



City of Norfolk

Office of the City Manager

C: Dir., Director of Public Works

July 18, 2006

To the Honorable Council
City of Norfolk, Virginia

Re: Encroachment – existing 5' open pile pier

Ladies and Gentlemen:

I. **Recommended Action:** Adopt ordinance

II. **Overview**

This agenda item is an encroachment to permit Daniel K. Bauserman and Jane C. Bauserman to encroach into the right of way of Beach Avenue, at 306 Lucile Avenue, with an existing 5' open pile pier, approximately 97' long.

III. **Analysis**

A. **General**

Norfolk City Code requires all encroachments into rights-of-way to be approved by City Council. The Bauserman's reside at 306 Lucile Avenue and have an existing pier that presently crosses a portion of Beach Avenue (a paper street.)

B. **Fiscal**
NA

C. **Environmental**

Reviewed and approved by the City of Norfolk Bureau of Environmental Services.

D. **Community Outreach/Notification**

Notification for this item was done through the City of Norfolk's regular agenda notification process.

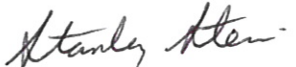
IV. Board/Commission Action

The Department of Public Works, Utilities, Planning and the Bureau of Environmental Services have reviewed the request and offer no objections. Review and approval by the Norfolk Design Review Committee and the City Planning Commission was not required.

V. Conclusion

The Applicant has provided the required certificate of insurance and the encroachment is subject to revocation by the City Council, therefore it is recommended that the City Council adopt the ordinance, which will allow the pier encroachment.

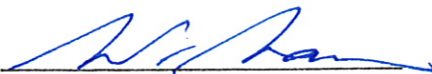
Respectfully submitted,


for Regina V.K. Williams
City Manager

6/30/06-pfm

Form and Correctness Approved:

Contents Approved:

By 
Office of the City Attorney

NORFOLK, VIRGINIA

By 
DEPT.**ORDINANCE No.**

AN ORDINANCE PERMITTING DANIEL K. BAUSERMAN AND JANE C. BAUSERMAN TO ENCROACH INTO THE RIGHT OF WAY OF BEACH AVENUE, A PAPER STREET, AT 306 LUCILE AVENUE, WITH A FIVE FEET (5') WIDE OPEN PILE PIER, APPROXIMATELY NINETY-SEVEN FEET (97') LONG.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Daniel K. Bauserman and Jane C. Bauserman, and their successors and assigns, the owners of certain property located at 306 Lucile Avenue, to encroach into the right of way of Beach Avenue, a paper street, with an open pile pier five feet (5') wide and approximately ninety-seven feet (97') long, as shown on the sketches attached hereto, subject to and contingent upon the following conditions:

- (1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, Daniel K. Bauserman and Jane C. Bauserman, or their successors and assigns, shall immediately remove the encroaching structure.
- (2) That upon the removal of the encroaching structures or any part thereof the authority hereby granted shall cease and terminate.
- (3) That Daniel K. Bauserman and Jane C. Bauserman, or their successors and assigns, at their own cost and expense, shall take out and keep in full force and effect public liability insurance in some company authorized to do business in the Commonwealth of Virginia, insuring them and naming the City of Norfolk as an additional insured party in the amount of at least \$300,000.00 against liability from any and all claims, actions and suits that may be asserted or brought against the City of Norfolk and/or Daniel K. Bauserman and Jane C. Bauserman, and their successors and assigns, for any injury to or death of any person or persons or for any damage to or destruction of

property resulting from the installation, maintenance, or existence of said encroaching structures; that evidence of such insurance shall be filed with the Manager for Real Estate of the City of Norfolk.

Section 2:- That the failure of Daniel K. Bauserman and Jane C. Bauserman or their successors and assigns, to fully comply with all contingencies set forth herein shall operate as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structure shall be deemed an acceptance by Daniel K. Bauserman and Jane C. Bauserman, and their successors and assigns, of all conditions to which the permission herein granted is subject.

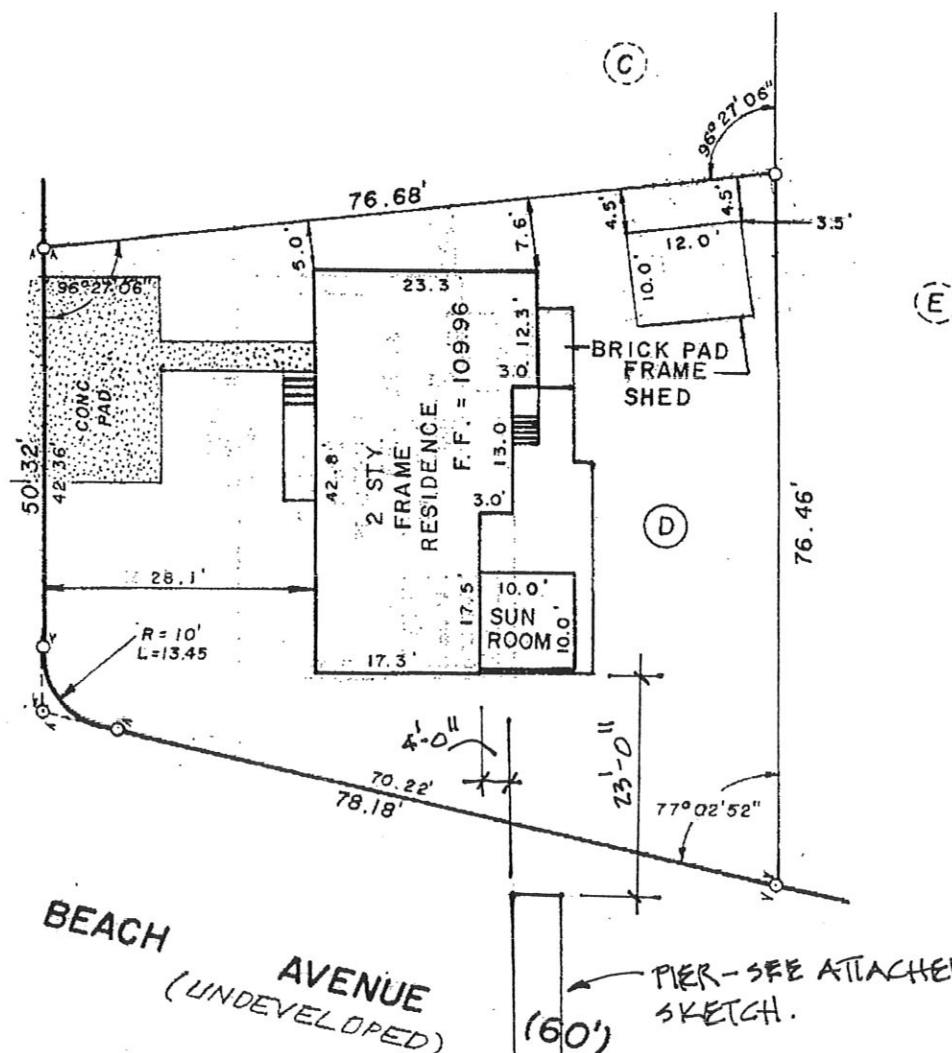
Section 4:- That this ordinance shall be in effect from and after its adoption.

K&K 10 7158 2-83 A10760

THIS IS TO CERTIFY THAT ON SEPTEMBER 4, 1991, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

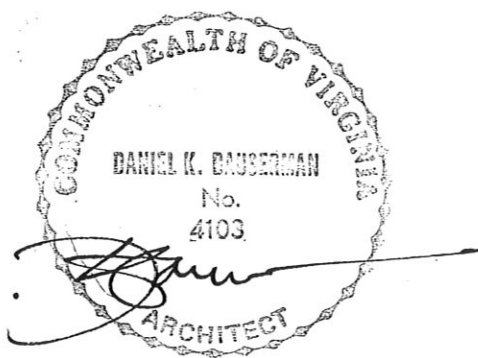
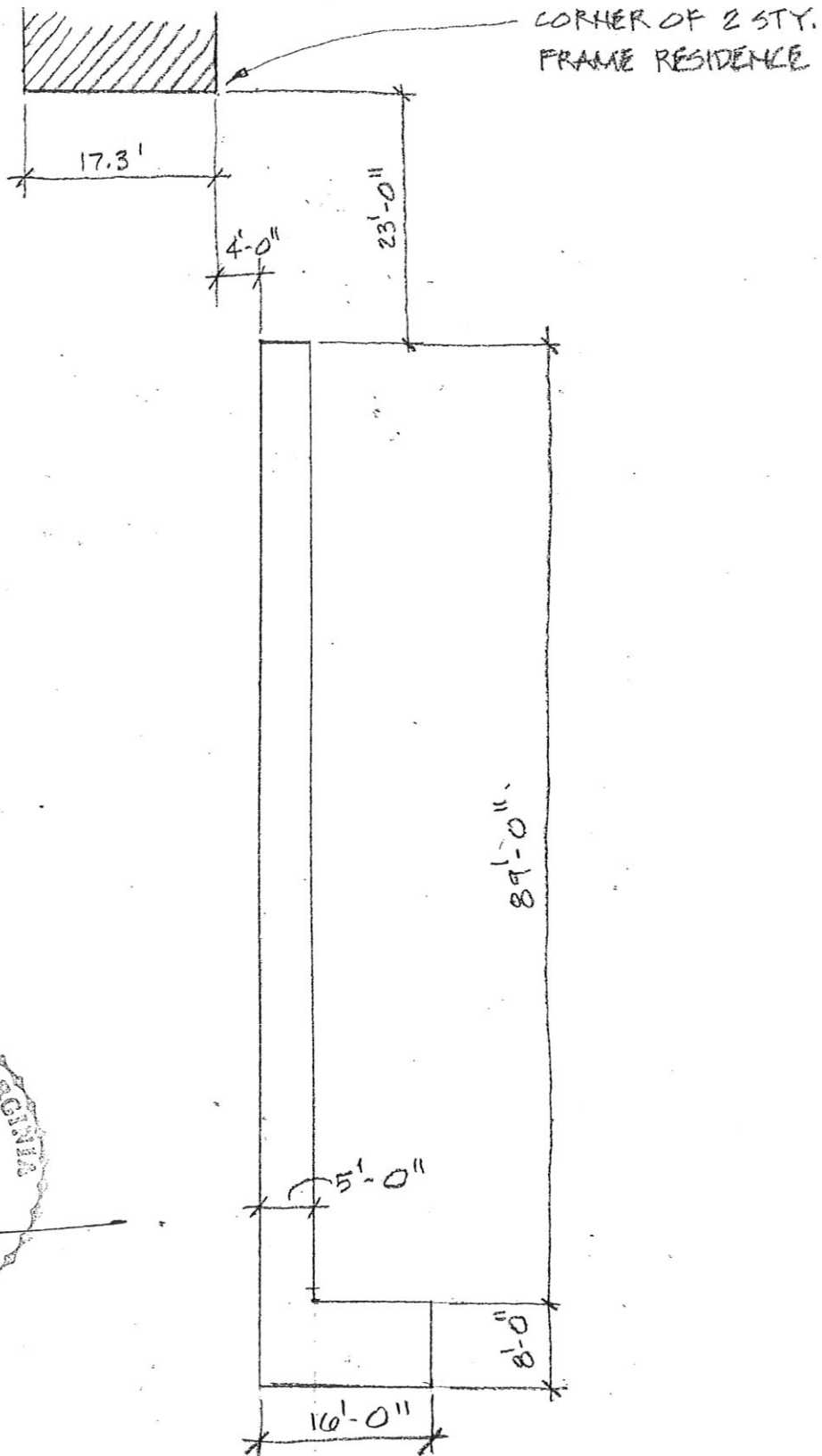
STEPHEN J. BOONE, L.S.

Styl Baa



NOTE: THIS PROPERTY IS LOCATED





PLAN OF PIER - $\frac{1}{16}'' = 1'-0''$